

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEREMY HANNAFORD,

CASE NO. 2:23-cv-02013-RSL

Plaintiff,

V.

ARTHUR & SHIRLEY, INC.,

## ORDER OF DISMISSAL

Defendant.

This matter was filed on December 30, 2023. Dkt. # 1. On April 5, 2024, plaintiff was ordered to show cause why the case should not be dismissed for failure to serve the summons and complaint within the time allowed by Fed. R. Civ. P. 4(m). Dkt. # 5. In response, plaintiff asserts that he has made a total of eight attempts to serve at an address found on “the WA Secretary of State website,” despite knowing for months that the house at that address was under construction and the defendant could not be found there. Dkt. # 6. Plaintiff subsequently made an effort to identify another potential address at which defendant could be served, but to no avail. He intends to file a motion for service by alternative means in the future.

A plaintiff has 90 days after the complaint is filed to serve the summons and complaint on the defendant. “[T]he court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that

1 service be made within a specified time" unless "plaintiff shows good cause for the failure  
2 . . ." Fed. R. Civ. P. 4(m). Plaintiff has not shown good cause. Repeated attempts to serve  
3 at the wrong address is not diligence, nor does plaintiff explain why the motion for leave to  
4 use alternative means of service was not filed within the 90-day period. The Washington  
5 Secretary of State's Corporations and Charities Filing System reveals an entirely different  
6 street address for defendant, an address which has been in the public records since at least  
7 May 2023 when defendant filed its last Annual Report. *See*

8 [https://ccfs.sos.wa.gov/?\\_gl=1\\*ydf9o4\\*\\_ga\\*MTA2OTc1ODY0Ny4xNzA0Mzk0NDky\\*ga\\_7B08VE04WV\\*MTcxMzkwODE0OC4zLjAuMTcxMzkwODE0OC4wLjAuMA..#/BusinessSearch](https://ccfs.sos.wa.gov/?_gl=1*ydf9o4*_ga*MTA2OTc1ODY0Ny4xNzA0Mzk0NDky*ga_7B08VE04WV*MTcxMzkwODE0OC4zLjAuMTcxMzkwODE0OC4wLjAuMA..#/BusinessSearch) and

9 [https://ccfs.sos.wa.gov/?\\_gl=1\\*ydf9o4\\*\\_ga\\*MTA2OTc1ODY0Ny4xNzA0Mzk0NDky\\*ga\\_7B08VE04WV\\*MTcxMzkwODE0OC4zLjAuMTcxMzkwODE0OC4wLjAuMA..#/BusinessSearch/BusinessFilings](https://ccfs.sos.wa.gov/?_gl=1*ydf9o4*_ga*MTA2OTc1ODY0Ny4xNzA0Mzk0NDky*ga_7B08VE04WV*MTcxMzkwODE0OC4zLjAuMTcxMzkwODE0OC4wLjAuMA..#/BusinessSearch/BusinessFilings).

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11 In the absence of good cause, the above-captioned matter is hereby DISMISSED  
12 without prejudice.

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14 Dated this 8th day of May, 2024.

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21 Robert S. Lasnik  
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26 United States District Judge